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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.
11 AARON DEGLANVILLE,
12 Defendant.

No. CR 03-00168 SI

**ORDER RE DEFENDANT'S MOTION
FOR RETURN OF PROPERTY**

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14 Defendant DeGlanville was convicted in the District of Alaska for crimes involving the sexual
15 exploitation of a 15-year-old girl. He was also convicted in this Court for crimes involving child
16 pornography and the sexual exploitation of a 13-year-old girl. He was sentenced in this Court in
17 November, 2004. He is currently serving his 30-year sentence in Alaska, concurrently with the 109-
18 month sentence he received in this Court.

19 DeGlanville, acting *pro se*, filed a motion seeking an order that his former counsel, Assistant
20 Federal Public Defender Geoffrey Hansen, return DeGlanville's files and records. DeGlanville asserts
21 that he needs the files in order to prepare a § 2255 motion. He argues that because they are rightfully
22 his files, Hansen should return them.

23 Hansen explains that he has three boxes of material relating to DeGlanville's case, but the vast
24 majority of the material is of a "highly sexual nature." Although none of the material is illegal
25 pornography, it contains diaries relating to sexual fantasies, sexually oriented stories, emails between
26 DeGlanville and the victims, and other sexual materials. While ordinarily he would return a client's
27 files as a matter of course, he does not believe that the Bureau of Prisons ("BOP") will permit defendant
28 to possess this material, and he therefore asks for the Court's guidance.

1 In response to DeGlanville's motion, the Assistant United States Attorney has contacted the BOP
2 to discuss whether defendant would be permitted to possess the materials that Hansen indicated are in
3 the case files. The BOP officials indicated that, pursuant to BOP's Program Statement 5324.10,
4 defendant would not be permitted to possess any sexual materials. Program Statement 5324.10 restricts
5 inmates in the sex offender management program from possessing: items that may be used as sexual
6 paraphernalia, materials that promote the sexual exploitation of children, sexualized written
7 correspondence, or any other material deemed inappropriate by the BOP because of its likelihood to
8 increase an inmate's risk to engage in sexually offensive behavior.

9 The Assistant Federal Public Defender, the Assistant United States Attorney, and the BOP all
10 agree that defendant would not be permitted to possess the materials from his case file that are of a
11 highly sexual nature. The Court concurs.

12 Accordingly, the Court ORDERS the Assistant Federal Public Defender to copy and send to
13 defendant any materials from his case file that would not fall under Program Statement 5324.10. The
14 remaining material should continue to be preserved., but need not be produced to defendant. This
15 resolves Docket No. 34.

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17 **IT IS SO ORDERED.**

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19 Dated: June 25, 2013



SUSAN ILLSTON
United States District Judge

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